

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

HUMBERTO GARZA,

Petitioner,

VS.

FEDERAL BUREAU OF PRISONS, *et al*,

Respondents.

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CIVIL ACTION NO. C-10-33

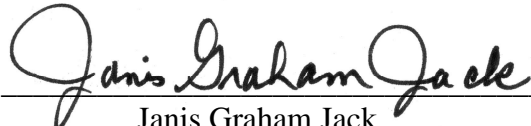
**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DENY PETITIONER'S MOTION
TO PROCEED IN FORMA PAUPERIS**

On February 16, 2010, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner be found not indigent and that his application to proceed *in forma pauperis* (D.E. 6) be denied. The Memorandum and Recommendation recommended further that petitioner be instructed to pay the filing fee within twenty (20) days of the date of entry of any order adopting the memorandum and recommendation, or voluntarily dismiss the petition; and finally that petitioner be advised that failure to pay the filing fee within the time period proscribed may result in dismissal of his petition for failure to prosecute. Seeing no objection to this recommendation by either party, having now reviewed the recommendation, and noting further that petitioner paid the filing fee on March 3, 2010, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court.

Accordingly, the Court finds that petitioner is not indigent and it is therefore ORDERED that petitioner's motion to proceed *in forma pauperis* is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 8th day of March, 2010.


Janis Graham Jack
United States District Judge